

12-22-03

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Patent

Attorney Docket No.: 3399P072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application for:

Tom R. Vandermeijden

Serial No.: 09/945,072

Filing Date: August 31, 2001

For: METHOD AND APPARATUS FOR  
AUTOMATICALLY POPULATING A  
CONTACT DATABASE IN A MOBILE  
COMMUNICATION DEVICE

Examiner: Banks Harold, Marsha

Group Art Unit: 2686

Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JAN 22 2004

Technology Center 2600

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1450 on

December 19, 2003

(Date of Deposit)

Julie Arango

(Printed name)

Julie Arango 12/19/03

(Signature)

(Date)

REQUEST TO RESCIND THE REQUEST FOR NON-PUBLICATION

Sir:

Applicants hereby rescind the Request for Non-Publication under 35 U.S.C. §  
122(b) that was filed on August 31, 2001 pursuant to 35 U.S.C. §§ 122(b)(2)(B)(iii) and  
(iv).

The undersigned attorney for applicants has only recently realized that the  
Request for Non-Publication may have been submitted in error (Applicants do not  
concede this point), given that the present application incorporates by reference one or  
more U.S. Patents and/or Patent applications which have counterparts filed in a foreign  
country and/or under multilateral international agreement before the filing date of the  
Request for Non-Publication. Subsequent to the filing of the aforementioned Request,  
it came to Applicants' attention that the U.S. Patent and Trademark Office is taking the  
position that, under these circumstances, a Request and Certification under 35 U.S.C.

122(b)(2)(B)(i) would be improper. Any delay in filing this request has been unintentional.

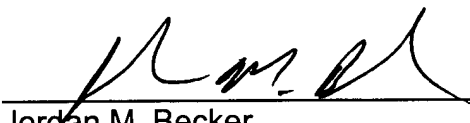
Applicants respectfully submit that this Request to Rescind is proper even though it is being filed more than 45 days after the filing dates of the foreign/international counterpart(s) of said one or more U.S. Patent(s) and/or Patent application(s) that are incorporated by reference, given that the delay in submitting this request was unintentional.

Further, applicants respectfully submit that the present application is not abandoned under 35 U.S.C. § 122(b)(2)(B)(iii), because the above-mentioned foreign/international counterpart(s) was/were filed prior to the filing date of the Request for Non-Publication.

If there is any fee required in connection with this request, please charge Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12/19/03

  
\_\_\_\_\_  
Jordan M. Becker  
Reg. No. 39,602

Customer No. 26529  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

 2600  
 6  
 2/1/01

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/945,072	08/31/2001	Tom R. Vandermeijden	3399P072

 26529  
 BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025


\*OC00000011579868\*

JAN 22 2004

TC 2600

Date Mailed: 12/29/2003

### Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 04/08/2004.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

Application Number 09/945,072  
Filing Date August 31, 2001  
First Named Inventor Tom R. Vandermeijden  
Examiner Name Banks Harold, Marsha  
Group/Art Unit 2686  
Attorney Docket No. 3399P072

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## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None  
☐ Deposit Account

Deposit  
Account  
Number

02-2666

Deposit  
Account  
Name

Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

### 2. EXTRA CLAIM FEES

Total Claims  - 20\*\* =  X  =   
Independent Claims  - 3 =  X  =   
Multiple Dependent  =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	

\*\*or number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued) JAN 22 2004

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920 *	1804	920 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

## SUBMITTED BY

Complete (if applicable)

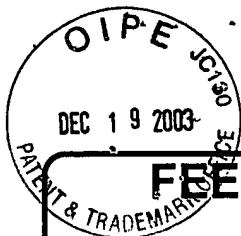
Name (Print/Type) Jordan M. Becker

Registration No. 39,602  
(Attorney/Agent)

Telephone (408) 720-8300

Signature

Date 12/19/03



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Other fee (specify) \_\_\_\_\_

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SUBTOTAL (3)

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## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Jordan M. Becker

Registration No.  
(Attorney/Agent)

39,602

Telephone

(408) 720-8300

Signature

Date

12/19/03